



January 23, 2015

SENATE BILL No. 137

DIGEST OF SB 137 (Updated January 21, 2015 12:11 pm - DI 106)

Citations Affected: IC 33-23.

Synopsis: Magistrates and criminal trials. Provides that, unless the defendant consents, a magistrate may not preside over a sentencing hearing if the magistrate did not preside over the criminal trial.

Effective: July 1, 2015.

Randolph

January 6, 2015, read first time and referred to Committee on Judiciary.
January 22, 2015, amended, reported favorably — Do Pass.

SB 137—LS 6278/DI 106



January 23, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 137

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-23-5-9 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) Except as
3 provided under subsection (b), a magistrate shall report findings in an
4 evidentiary hearing, a trial, or a jury's verdict to the court. The court
5 shall enter the final order.
6 (b) If a magistrate presides at a criminal trial, the magistrate may do
7 the following:
8 (1) Enter a final order.
9 (2) Conduct a sentencing hearing.
10 (3) Impose a sentence on a person convicted of a criminal offense.
11 (c) **This subsection does not apply to a consolidated city. Unless**
12 **the defendant consents, a magistrate who did not preside at the**
13 **criminal trial may not preside at the sentencing hearing. However,**
14 **this subsection does not prohibit a magistrate from presiding at a**
15 **sentencing hearing if there was no trial.**

SB 137—LS 6278/DI 106



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 137, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 16.

Page 2, delete lines 1 through 16.

Page 2, delete lines 27 through 30, begin a new paragraph and insert:

"(c) This subsection does not apply to a consolidated city. Unless the defendant consents, a magistrate who did not preside at the criminal trial may not preside at the sentencing hearing. However, this subsection does not prohibit a magistrate from presiding at a sentencing hearing if there was no trial."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 137 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 1.

